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14 PENINSULA, a California nonprofit corporation

15 COMMUNITY HOSPITAL OF THE  
16 MONTEREY PENINSULA, a California  
17 nonprofit corporation,

18 Plaintiff,

19 vs.

20 DAVE KINGSTON PRODUCE, INC.,  
21 an Idaho Corporation; and GLOBAL  
22 EXCEL MANAGEMENT, INC.; A  
23 Canadian corporation, and DOES 1-25,  
inclusive,

24 Defendants.

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26 Case No.: CV 10-02041 EJD  
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~~500000~~  
[PROPOSED] ORDER ON JOINT  
STIPULATION OF DISMISSAL WITH  
PREJUDICE

Based upon the stipulation of the parties and for good cause shown,

**IT IS HEREBY ORDERED** that Plaintiff COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA's claims against Defendants DAVE KINGSTON PRODUCE, INC. AND GLOBAL EXCEL MANAGEMENT, INC., are hereby dismissed with prejudice.

The Clerk shall close this file.

DATED: August 10 , 2011

By: Paul J. Dahn

Hon. Edward J. Davila  
Judge of the United States District Court

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PROOF OF SERVICE

I declare that:

I am a citizen of the United States, employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 888 South Figueroa Street, Suite 1800, Los Angeles, California 90017-5455.

On August 5, 2011, the within:

**[PROPOSED] ORDER ON JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

was delivered by the following means:

[ ] BY MAIL: The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] BY ELECTRONIC SERVICE: I hereby certify that on this date the attached document was electronically transmitted to the Clerk of the Court using the CM/ECF system which will send notification of such filing and transmittal of a Notice of Electronic Filing to all the CM/ECF registrants who are registered with the Court.

I certify and declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 5, 2011, at Los Angeles, California.

Dated: August 5, 2011

/s / Philip J. Bonoli  
By: \_\_\_\_\_  
Philip J. Bonoli

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